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VIA ECF

The Hon. Philip M. Halpern
United States District Court
Southern District of New York
The Hon. Charles L. Bricant Jr. Federal Building
and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Application granted in part and denied in part.

The application to stay discovery is denied. The deadline to complete fact discovery is extended to April 7, 2023.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 15, 2023

Re: REQUESTS FOR EXTENSION OF TIME TO COMPLETE
DISCOVERY AND A STAY

Case: Wright et al v. Travelers Home and Marine Insurance Company
Civil Docket No.: 7:22-cv-04596-PMH

Dear Judge Halpern,

This office represents Plaintiffs Matthew Wright and Soudabeh Givrad in the above-captioned action. This letter is written jointly by the parties to request a stay of discovery pending the resolution of Defendant's motion for summary judgment, and a forty-five (45) day extension of time to complete fact discovery upon determination of the motion and termination of stay.

By way of background, this is an action which relates to the interpretation of the term "dwelling" as used in the Policy and the applicable limits which apply to damage sustained to the "carriage house" on the insured property. Following the parties' participation in mediation, on December 21, 2022, the parties moved to extend the time within which to complete fact discovery, and that request was granted on December 21, 2023 (Scheduling Order (ECF Doc. 23)). Since that time, responses to initial discovery demands were exchanged, and additional discussions regarding a potential resolution ensued. Following review and investigation related to the documentation exchanged, Plaintiff served a Request for Admission on January 25, 2023, a Second Notice for Discovery & Inspection on February 6, 2023, and Notice for Deposition dated January 26, 2023 for deposition to be held on February 24, 2023.

It was thereafter brought to the undersigned's attention that the dates to respond to each of the Request for Admission, Request for Admission, a Second Notice for Discovery & Inspection, and Notice for Deposition were beyond the February 21, 2023 Fact Discovery Deadline set by the Court. For the sake of full disclosure, the dates were the result of the undersigned's miscalculation of the Fact Discovery Deadline following docket entry of 12/21/2022 at 3:54 PM EST and filed on 12/21/2022, which, incorrectly indicated Depositions Due by 5/3/2023.

Notwithstanding the foregoing, Defendant served its 56.1 Statement of Material Facts upon Plaintiff on or about January 25, 2023. The parties thereafter worked to submit a single Statement of Material Facts pursuant to Your Honor's rules, and Defendant filed a Pre-Motion Letter on February 9, 2023.

Plaintiff's response to the Pre-Motion Letter is due February 16th. When the error with regard to the Fact Discovery Deadline and the response dates for the Plaintiffs' demands being beyond the February 21, 2023 deadline were brought to the undersigned's attention, Plaintiffs requested Defendant's consent for a brief extension of fact discovery, at which time Defendant consented, with the condition that discovery be stayed until the motion for summary judgment is determined, at which time the parties would thereafter have 45 days to complete fact discovery.

In light of the foregoing, it is respectfully requested, jointly, that discovery in this matter be stayed pending the hearing and resolution of the Defendant's motion for summary judgment, and that all dates set forth in the Court's December 21, 2023 Scheduling Order (ECF Doc. 23) be extended by 45 days, with that period commencing upon determination of the Defendant's motion for summary judgment.

Alternatively, if the Court is not inclined to stay discovery until a determination of Defendant's summary judgment motion, the parties request an extension of fact discovery by forty-five (45) days, to April 7, 2023, to allow the parties to complete fact discovery.

The parties would like to thank This Honorable Court for its consideration.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'S. Agulnick', is written over a horizontal line.

Scott E. Agulnick, Esq. (SA1880)

SEA